

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (previously presented): A marking determining method, for determining a packet marking of packets of an incoming packet-flow, in order to keep said packets in conformance with a traffic policy,

said determining being based on an actual value of a traffic reservation parameter, said traffic reservation parameter being a measure of available network resources dedicated to packets of said incoming packet-flow having a pre-assigned priority,

said determining further being based on said pre-assigned priority of said packets of said incoming packet flow, said traffic reservation parameter having a predetermined minimum and a maximum value,

said marking determining method comprising:

holding a threshold value for said traffic reservation parameter, said threshold value lying between said minimum and said maximum value of said traffic reservation parameter;

metering said actual value of said traffic reservation parameter; and

if said actual value of said traffic reservation parameter exceeds said threshold value for said traffic reservation parameter, determining said packet marking of and marking each of said packets based on said actual value of said traffic reservation

parameter, and if said actual value of said traffic reservation parameter is below said threshold value for said traffic reservation parameter, determining said packet marking of and marking each of said packets based on a pre-assigned priority of the packet.

2. (previously presented): The marking determining method according to claim 1, wherein said determination of packet marking additionally is based on at least one additional pre-assigned priority for each said packet of said incoming packet-flow, each said additional pre-assigned priority having a separate threshold value assigned to said traffic reservation parameter.

3. (previously presented): The marking determining method according to claim 1, wherein said traffic reservation parameter is the filling level of a token bucket.

4. (previously presented): The marking determining method according to claim 1, wherein said traffic reservation parameter is a sending rate estimate.

5. (previously presented): The marking determining method according to claim 1, wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet loss priority.

6. (previously presented): The marking determining method according to claim 1, wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet traffic category.

7. (previously presented): The marking determining method according to claim 1, wherein said pre-assigned priority and/or said additional pre-assigned priority is a type of sender.

8. (previously presented): The marking determining device, for determining a packet marking of packets of an incoming packet-flow, in order to keep said packets in conformance with a traffic policy,

said determining being based on an actual value of a traffic reservation parameter, said traffic reservation parameter being a measure of available network resources dedicated to packets of said incoming packet-flow having a pre-assigned priority,

said determining further being based on said pre-assigned priority of said packets of said incoming packet flow, said traffic reservation parameter having a predetermined minimum and a maximum value,

said marking determining device comprising:

a threshold holding part (THHP), adapted to hold a threshold value for said traffic reservation parameter, said threshold value lying between said minimum and said maximum value of said traffic reservation parameter;

a metering part (MEP), adapted to check on said actual value of said traffic reservation parameter; and

a determination part (DETP), adapted to, if said actual value of said traffic reservation parameter exceeds said threshold value for the traffic reservation parameter, determine said packet marking of and mark each of said packets based on said actual value of said traffic reservation parameter, and if said actual value of said traffic

reservation parameter is below said threshold value for said traffic reservation parameter, determine said packet marking of and mark each of said packets based on a pre-assigned priority of the packet.

9. (previously presented): The marking determining device according to claim 8, wherein said determination packet marking additionally is based on at least one additional pre-assigned priority for each said packet of said incoming packet-flow, each said additional pre-assigned priority having a separate threshold value assigned to each of said traffic reservation parameter.

10. (previously presented): The marking determining device according to claim 8, wherein said traffic reservation parameter is a filling level of a token bucket.

11. (previously presented): The marking determining device according to claim 8, wherein said traffic reservation parameter is a sending rate estimate.

12. (previously presented): The marking determining device according to claim 8, wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet loss priority.

13. (previously presented): The marking determining device according to claim 8, wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet traffic category.

14. (previously presented): The marking determining device according to claim 8, wherein said pre-assigned priority and/or said additional pre-assigned priority is a type of sender.

15. (currently amended): A communication network element including a the marking determination device as claimed in claim 8.

16. (previously presented): A marking determining method for determining a packet marking of packets of an incoming packet-flow in order to keep said packets in conformance with a traffic policy, the marking determining method comprising:

providing a threshold value for a traffic reservation parameter, said threshold value lying between a minimum value and a maximum value of the traffic reservation parameter;

metering an actual value of the traffic reservation parameter; and

if the actual value of the traffic reservation parameter exceeds the threshold value of the traffic reservation parameter, marking the packets only based on the actual value of the traffic reservation parameter, and

if the actual value of the traffic reservation parameter is below the threshold value of the traffic reservation parameter, marking the packets based on a pre-assigned priority of the packet.